

BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

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February 4, 2019

VIA HAND DELIVERY

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: DRB18-0359 - Request for Design Review Approval the Property Located at 320 South Hibiscus Drive West in Miami Beach, Florida

Dear Tom:

This law firm represents 320 South Hibiscus Drive, LLC (the "Applicant"), the owner of the above-referenced property (the "Property"). The Property was recently split into two (2) lots on November 27, 2018 pursuant to PB18-0220. See Exhibit A, PB18-0220. The lot split resulted in two lots with the eastern lot with a lot area of 16,115 square feet (the "East Lot") and the western lot with a lot area of 16,096 square feet (the "West Lot"). Please consider this letter the Applicant's letter of intent in connection with a request to the Design Review Board ("DRB") for design review, waiver, and variance approval for a single-family home on the West Lot.

The Property. The Property is situated on Hibiscus Island along South Hibiscus Drive fronting the water. The Property is identified by Miami-Dade County Folio No. 02-3232-006-0110 and is located within the RS-3 Single-Family Residential zoning district. The Property was one of the largest RS-3 zoned lots on Hibiscus Island at approximately 32,212 square feet (0.74 acres) in size. The Property is currently improved with a single-family structure built in 1952. The lot split resulted in lot sizes that are more compatible with the properties within the surrounding area. The majority of the similarly situated, RS-3 zoned waterfront properties along South Hibiscus Drive have a lot size of 10,500 square feet. The unit size of the proposed home on the West Lot will be appropriately sized for the lot on which it sits.

Proposed Home. The proposed new single family home on the West Lot will be a modern design with two (2) stories in height and a unit size of approximately 7,945.7 square feet in size.

Requests. The Applicant respectfully requests the following:

- 1) Design review approval for the new single family home;
- 2) A height waiver to allow for 26 feet where 24 feet is allowed pursuant to Code Section 142-105(b)(1);
- 3) A waiver to allow for a second floor unit size of 78.6% of the first floor unit size pursuant to Code Section 142-105(b)(4)
- 4) Approval of a mechanical lift pursuant to Section 130-38(4-5); and
- 5) Approval of the following 2 variances:

(a) Lot Coverage: Lot coverage of 29.72% where Section 142-105(b)(9) provides that the maximum lot coverage for a new two-story home shall not exceed 25 percent of the lot area, or such lesser number, as determined by the planning board, for homes on lots resulting from a lot split application where the new lots created do not follow the lines of the original platted lots

(b) Unit Size: Unit size of 49.36% where Section 142-105(b)(9) provides that the maximum unit size shall not exceed 40 percent of the lot area for both one story, and two-story structures, or such less numbers, as determined by the planning board, for homes on lots resulting from a lot split application where the new lots created do not follow the lines of the original platted lots

Satisfaction of Hardship Criteria. Section 118-353(d) of the City's Code sets forth the hardship criteria for a variance request. The Applicant's request satisfies all hardship criteria as follows:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;**

The restrictions limiting lot coverage and unit sizes for lot splits where the newly created lots do not follow the lines of the original platted lots was installed into the

Code in order to protect against the creation of lots and homes that are incompatible with the surrounding area. However, the Application presents a unique situation as the analysis performed by the City reveals that the lot coverage and unit sizes for the surrounding neighborhood is well in excess of the 25% lot coverage and 40% unit size prescribed by Section 142-105(b)(9) of the Code. See Exhibit B, PB18-0220 Staff Analysis.

The surrounding area was found to have an average lot size of 12,590 square feet and an average adjusted unit size percentage of 46%. Both numbers are very much in line with those proposed for the West Lot with the Application. The lot split approved by PB18-0220 resulted in two lots more compatible with the surrounding neighborhood, and the proposed homes on the lots will be more compatible with the surrounding neighborhood than would be homes limited pursuant to the regulations in Section 142-105(b)(9).

(2) The special conditions and circumstances do not result from the action of the applicant;

The general trend of lot coverage and unit sizes in this neighborhood are occurrences entirely independent of actions from the Applicant. The requested variances simply seek to allow the Applicant to develop a single family home on the West Lot that is compatible and consistent with the trends of the neighborhood.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

Granting the variance will not confer any special privilege on the Applicant, but rather would allow the Applicant to develop a home based on the same parameters and restrictions applicable to any other similar-sized property in the surrounding area. If the Applicant had maintained the previous makeup of the Property with the larger lot, the Applicant would not be subject to the additional restrictions for lot coverage and unit size, and instead would be able to develop a home with a lot coverage of 30% and a unit size of 50% as of right. Similarly, if the Applicant would have sought to create some of the smaller lots in the neighborhood by splitting the Property into three (3) lots, along the original platted lot lines, the Applicant would have been able to develop a home with a lot coverage of 30% and a unit size of 50% as of right.

(4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

The restrictions of Section 142-105(b)(9) were implemented to protect neighborhoods in instances where a property is overly subdivided resulting in smaller lots with unproportioned homes or where properties are aggregated and seeking to develop homes much larger than its surroundings. In this instance, the literal interpretation of the provisions of the Code would result in homes on the East Lot and the West Lot that are out of character with the surrounding neighborhood. The overwhelming trend in the area is to develop similar-sized lots with homes with lot coverage in excess of 25% and unit size in excess of 40%.

If the Applicant had maintained the previous makeup of the Property with the larger lot, the Applicant would not be subject to the additional restrictions for lot coverage and unit size, and instead would be able to develop a home with a lot coverage of 30% and a unit size of 50% as of right. Similarly, if the Applicant would have sought to create some of the smaller lots in the neighborhood by splitting the Property into three (3) lots, along the original platted lot lines, the Applicant would have been able to develop a home with a lot coverage of 30% and a unit size of 50% as of right.

In either of the scenarios described above, the Applicant would have been able to develop the Property with the desired square footage and lot coverage, as of right. The Applicant is simply seeking to be afforded the same allowance in a scenario where such development proves to be compatible and consistent with the neighborhood.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

The variance granted is the minimum variance that will make possible the reasonable use of the land in a manner consistent with the surrounding neighborhood. The Applicant is not seeking to develop a home with greater lot coverage or unit size than that which is generally allowed in the RS-3 District. Rather, the Applicant is seeking the variances due to the reality that the protections of 142-105(b)(9) are not intended to apply to the unique situation at hand.

(6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

The granting of the variances will be in harmony with the intent of the Code, as it will allow for a single family home on the West Lot that is compatible with the trend

and makeup of the surrounding neighborhood and within the lot coverage and unit size parameters for the RS-3 District.

- (7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.**

The requested variance is consistent with comprehensive plan and does not reduce the levels of service as set forth in the plan, as the proposed home is within the parameters of what is contemplated for the RS-3 District.

Mechanical Parking Lift. The Applicant is seeking approval to utilize mechanical parking lifts as allowed pursuant to Section 130-38(4)(b). The design review board review process for the use of mechanical parking devices is based on compliance with the following criteria outlined in Section 130-38(5):

- a) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood;**

The garage is consistent in size with a standard 2-car parking garage common within the neighborhood and Miami Beach. The presence of the parking lift will be unidentifiable from the exterior of the garage.

- b) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood and has demonstrated how the scale, mass, volume and height of the building are reduced by the use of mechanical parking;**

The garage is consistent in size with a standard 2-car parking garage common within the neighborhood and Miami Beach. The presence of the parking lift will be unidentifiable from the exterior of the garage. The mechanical lift will allow for less cars to be situated on the exterior of the Property.

- c) Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking;**

The proposed use of the mechanical parking garage will have no effect on the density or use for the single-family home.

- d) Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view;**

The parking lifts are located inside, within a fully enclosed parking garage and not visible from exterior view.

- e) In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner;**

Not applicable -- The proposed mechanical parking is not for a multifamily residential building.

- f) In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues;**

Not applicable -- The proposed mechanical parking is not for valet parking.

- g) Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way;**

Not applicable -- The proposed mechanical parking is for a single family home and is not for a multifamily residential building.

- h) Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided;**

Not applicable -- The proposed mechanical parking is for a single family home and is not for a multifamily residential building.

- i) In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed;**

Not applicable -- The proposed mechanical parking is for a single family home and is not for a multifamily residential building.

j) Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated;

The garage is consistent in size with a standard 2-car parking garage common within the neighborhood and Miami Beach. The presence of the parking lift will be unidentifiable from the exterior of the garage.

k) Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed;

The garage is consistent in size with a standard 2-car parking garage common within the neighborhood and Miami Beach. The presence of the parking lift will be unidentifiable from the exterior of the garage.

Sea Level Rise and Resiliency Criteria. The proposed single-family homes resulting from the lot split will advance the sea level rise and resiliency criteria in Section 133-50(a) as follows:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

The Applicant will provide a recycling or salvage plan during permitting.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

The Applicant proposes hurricane impact windows.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Operable windows will be provided.

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

The Applicant will provide appropriate landscaping at the Property. Proposed species include native and Florida-friendly plants appropriate for the area, including salt tolerant species.

- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**

The Applicant has considered the elevation of the right-of-way and surrounding properties, and plans to grade the front and side yards appropriately to remain compatible with the existing conditions, while slowly sloping-up as you get closer to the home in order to adapt to future raised elevations. The property will slope from the existing front yard elevation and gradually arrive at the first floor slab. The Applicant will work with the Public Works Department to further address sea level rise projections with respect to the right-of-way connections.

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

The Applicant has taken into consideration the raising of public rights-of-ways and has designed the proposed home accordingly. The additional 1' of freeboard used to elevate the home will allow raising of the front yard to address the future raising of the streets.

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

Proper precautions will be taken to ensure the critical mechanical and electrical systems are located above base flood elevation.

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

This is not applicable as the Property is vacant and the lot split application will result in construction of two (2) new single family homes.

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**

No wet or dry flood proofing will be necessary as all habitable space will be located above base flood elevation plus City of Miami Beach Freeboard of 1'.

- (10) Where feasible and appropriate, water retention systems shall be provided.**

Mr. Thomas Mooney

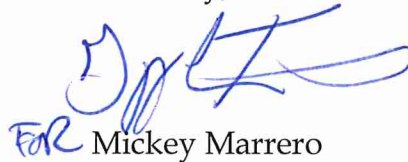
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The Applicant has incorporated Shallow Retention Areas ("SRAs") to direct and collect rainwater on the proposed plan. At time of permitting, the Applicant will engage the services of a civil engineer to analyze and provide the subsurface drainage design. Accordingly, a water retention system will be provided

Conclusion. We believe that the approval of the Application will permit the development of a beautiful single-family home on the West Lot that will be compatible with the character of the residential neighborhood. We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-374-5300

Sincerely,



For Mickey Marrero

EXHIBIT A

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 320 South Hibiscus Drive

FILE NO. PB 18-0220

IN RE: The applicant, 320 South Hibiscus Drive, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of three platted lots, into two individual buildable parcels.

LEGAL DESCRIPTION: Lots 11, 12, and 13, Block 1, of HIBISCUS ISLAND, according to the Plat thereof, as recorded in Plat Book 8 Page 75, of the Public Records of Miami-Dade County, Florida. TOGETHER WITH a strip of land 20' wide contiguous and abutting the waterfront end of lots 11, 12 and 13 of Block 1, HIBISCUS ISLAND, which said 20' strip is part of the 20' strip conveyed to the Biscayne Bay Island Company by deed to the Trustees of the Internal Improvement Fund as recorded in Deed Book 1501, Page 479 at the Public Records of Miami-Dade County, Florida.

MEETING DATE: November 27, 2018

**DIVISION OF LAND/LOT SPLIT
DRAFT FINAL ORDER**

The applicant, 320 South Hibiscus Drive, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into two individual buildable parcels.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the City Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B of the City Code, subject to the subject to the following conditions, to which the Applicant has agreed:
 - 1. The two (2) lots created pursuant to this lot split application at 320 South Hibiscus Drive, shall comply with the following:
 - a. The subject lots shall not be subdivided any further.

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- b. Design Review Board review and approval shall be required for the proposed home(s) on each lot.
 - c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by John Ibarra & Associates, Inc., Land Surveyors, dated 08-06-2018.
 - d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
 - e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.
 - f. Unless otherwise approved through the variance process, the maximum unit size for each lot shall be limited to the lesser of 40% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105(b)(9) of the City Code, as may be revised from time to time.
 - g. Unless otherwise approved through the variance process, the maximum lot coverage for each lot shall be limited to the lesser of 25% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b) of the City Code, as may be revised from time to time.
 - h. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Sections 142-105 and 142-106 of the City Code, as may be revised from time to time. Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted, with the exception noted in Conditions B.1.f. and B.1.g. above.
 - i. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.
 - j. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this

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application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.

3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under Section 118-323 of the City Code.
4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
5. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant.
7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the City Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
8. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

PB 18-0206 – 320 South Hibiscus Drive
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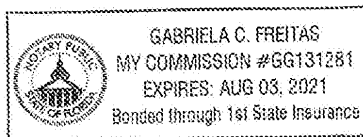
Dated this 24th day of DECEMBER, 2018.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush,
Chief of Planning & Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 24th day of December, 2018, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]

Gabriela Freitas
Notary:
Print Name: Gabriela Freitas
Notary Public, State of Florida
My Commission Expires: 8-3-21
Commission Number: 99131281

Approved As To Form: [Signature], 12/24/18
Legal Department

Filed with the Clerk of the Planning Board on [Signature] 12/24/18

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EXHIBIT B

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: November 27, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0220. 320 S Hibiscus Road – SFR Lot Split/Subdivision of Land**

The applicant, 320 South Hibiscus Drive, LLC, is requesting Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of three platted lots, into two individual buildable parcels.

RECOMMENDATION:

Approval with conditions

EXISTING STRUCTURES/SITE:

The subject application includes one existing parcel of approximately 32,212 square feet (Per Survey and Letter of Intent submitted by the applicant) The applicant is proposing to divide the parcel into two individual single family sites.

ZONING / SITE DATA:

Legal Description: Lots 11, 12, and 13, Block 1, of HIBISCUS ISLAND, according to the Plat thereof, as recorded in Plat Book 8, Page 75, of the Public Records of Miami-Dade County, Florida. TOGETHER WITH a strip of land 20' wide contiguous and abutting the waterfront end of lots 11, 12 and 13 of Block 1, HIBISCUS ISLAND, which said 20' strip is part of the 20' strip conveyed to the Biscayne Bay Island Company by deed to the Trustees of the Internal Improvement Fund as recorded in Deed Book 1501, Page 479 at the Public Records of Miami-Dade County, Florida.

Zoning: RS-3 Single-Family Residential District

Future Land Use: Single Family Residential Category (RS)

Lot Size: 32,212 Square Feet for the Combined Site

REVIEW CRITERIA:

Pursuant to Section 118-321(b) of the City Code, in reviewing an application for the division of lot and lot split, the Planning Board shall apply the following criteria:

1. **Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.**

Consistent– The minimum lot size and lot width requirements for RS-3 Zoning district are 10,000 square feet lot size and 60 feet lot width. The proposed area of the Eastern lot is 16,096 square feet with a lot width of 90 feet. The proposed Western site is 16,116 square feet with a lot width of 90 feet.

2. **Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.**

Partially Consistent– The surrounding lots in the RS-3 zoning district consist of lots that have an average size of 12,590 square feet. The proposed lot split will create two (2) lots larger than the average (Eastern lot 16,096 square feet western lot 16,116 square feet) lot size.

3. **Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.**

Consistent– No adverse impacts are expected to be created by the lot split and the proposed homes, the scale of the proposed home is compatible with the as-built character of the surrounding area.

4. **Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.**

Consistent– The existing 1952 single family home is going to be demolished.

5. **Whether the building site that would be created would be free of encroachments from abutting buildable sites.**

Consistent–The building sites created would be free of encroachments from abutting buildable sites.

6. **Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The Board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the Planning Director or designee to be architecturally significant under section 142-108 (2) of the City Code.**

Consistent– The existing 1952 single family home is has not been classified.

ANALYSIS:

The subject property consists of a single owner (the applicant) who proposes to divide the subject property, which consists of three (3) platted lots, into two (2) separate parcels. An Opinion of Title was submitted in conformance with the requirements of the City Code.

The RS-3 residential single-family zoning district requires a minimum lot area of 10,000 square feet and a minimum lot width of 60 feet. The proposed parcels comply with the minimum lot area and lot width.

The table below summarizes the statistical data of similar properties in the surrounding area, (see also analysis parcels aerial). The source of the data is the Miami Dade County Property Appraiser's Office.

As a point of information, the Property Appraiser's Office adjusts the size of structures by increasing or adjusting the stated square footage for outdoor covered areas such as loggias, covered patios, etc. and for non-air-conditioned garages. As per the City's definitions, these items are generally excluded from unit size calculations. In the Data Analysis below, the adjusted unit size percentage is the percentage unit size of the existing home using the adjusted square footage from the Property Appraiser's office. Staff has included a "20% allowance" column, to take into consideration a reasonable accommodation for future renovations and additions for existing homes.

Area Analysis Data:

Subject Site:

Address	Lot Size (SF)	Proposed Unit Size (SF)	Proposed Unit Size %
Eastern Lot	16,096	7,563	47%
Western Lot	16,116	8,050	50%

Surrounding Sites Summary:

Statistic	Year Built	Lot Size (SF)	Unit Size (SF)	Unit Size +20% Allowance (SF)*	Unit Size %	Unit Size +20% Allowance %	Floors
Average	1970	12,590	5,300	5,751	43%	46%	2
Median	1957	10,500	4,998	5,520	40%	48%	2
Max	2016	21,000	11,761	11,761	84%	84%	3
Min	1924	9,625	1,028	1,234	10%	12%	1
First Quartile	1940	10,500	3,671	4,405	27%	32%	1
Third Quartile	2007	14,438	6,756	6,756	58%	58%	2
Mode	1938	10,500	N/A	5,250	N/A	50%	2

The following aerial and table describe the make-up of the parcels in the surrounding lots utilized for the previous analysis:

Analysis Parcels (aerial)



Analysis Parcels Data

Address	Year Built	Lot Size (SF)	Unit Size (SF)	Unit Size +20% Allowance (SF)*	Unit Size %	Unit Size +20% Allowance %	Floors
224 S HIBISCUS DR	2012	18,814	7,625	9,150	41%	49%	2
240 S HIBISCUS DR	2012	10,500	6,245	6,245	59%	59%	2
250 S HIBISCUS DR	1938	10,500	2,021	2,425	19%	23%	2
254 S HIBISCUS DR	2014	10,500	7,438	7,438	71%	71%	2
266 S HIBISCUS DR	1940	10,500	2,819	3,383	27%	32%	2
270 S HIBISCUS DR	1956	10,500	4,050	4,860	39%	46%	1
280 S HIBISCUS DR	2010	10,500	7,342	7,342	70%	70%	1
290 S HIBISCUS DR	1954	10,500	2,607	3,128	25%	30%	1
294 S HIBISCUS DR	1991	10,500	4,588	5,250	44%	50%	2
306 S HIBISCUS DR	1938	10,500	2,113	2,536	20%	24%	1
340 S HIBISCUS DR	1936	10,500	4,567	5,250	43%	50%	2
350 S HIBISCUS DR	1976	15,750	4,251	5,101	27%	32%	2
360 S HIBISCUS DR	1952	15,750	4,412	5,294	28%	34%	2
370 S HIBISCUS DR	2016	21,000	10,614	10,614	51%	51%	3
394 S HIBISCUS DR	1930	18,375	5,434	6,521	30%	35%	2
400 S HIBISCUS DR	1924	13,125	2,697	3,236	21%	25%	1
410 S HIBISCUS DR	1924	12,221	6,714	6,714	55%	55%	2
387 N HIBISCUS DR	1926	10,500	1,028	1,234	10%	12%	2
375 N HIBISCUS DR	1955	15,750	5,437	6,524	35%	41%	1
369 N HIBISCUS DR	1954	15,750	8,216	8,216	52%	52%	1
355 N HIBISCUS DR	2002	10,500	6,175	6,175	59%	59%	2
345 N HIBISCUS DR	1952	21,000	4,461	5,353	21%	25%	1
333 N HIBISCUS DR	2001	10,500	3,893	4,672	37%	44%	2
325 N HIBISCUS DR	1957	10,500	5,032	5,250	48%	50%	2
305 N HIBISCUS DR	1996	10,260	6,370	6,370	62%	62%	2
301 N HIBISCUS DR	2009	10,500	5,997	5,997	57%	57%	2
297 N HIBISCUS DR	2007	10,500	6,883	6,883	66%	66%	3
289 N HIBISCUS DR	1938	10,500	2,155	2,586	21%	25%	1
279 N HIBISCUS DR	1978	10,500	4,093	4,912	39%	47%	2
271 N HIBISCUS DR	2007	14,000	11,761	11,761	84%	84%	3
269 N HIBISCUS DR	2007	12,250	9,864	9,864	81%	81%	3
265 N HIBISCUS DR	1957	11,375	5,346	5,688	47%	50%	2
255 N HIBISCUS DR	1952	9,625	3,004	3,605	31%	37%	1
235 N HIBISCUS DR	1951	14,000	4,964	5,957	35%	43%	2

The 20% allowance was added to the adjusted square footage only if the increase remained within permissible limits pursuant to the Land Development Regulations.

Summary of Data Analysis:

- The analysis area consists of waterfront RS-3 lots south and north of the subject parcel.
- There are 34 parcels in the analysis area, excluding the applicant's site (320 S Hibiscus Drive).
- All parcels range in size from 9,625 to 21,000 square feet.
- The average lot size is 12,590 square feet. The median lot size is 10,500 square feet, the most common lot size (mode) is 10,500.
- The average adjusted unit size is 5,300 square feet (43% of lot area), the median unit size is 4,998 square feet (40% of lot area). (9) homes exceed the current maximum unit size of 50%.
- Factoring a reasonable assumption of future additions to existing homes of 20% of the current adjusted size, the average home size increases to 5,771 SF (46% of lot area).
- The applicant is proposing a unit size for the Eastern lot of 47% of the lot area (16,096 SF), the Western lot will have a unit size of 50% of the lot area 16,116 SF).

Staff would note that the existing homes average unit size of 43% (for the study area) is larger than the average for most of the City's single family neighborhoods, which is typically around 31%. Because of the relatively high existing larger average unit size, staff is not opposed to the applicant's request to allow the filing of a variance application to exceed the maximum unit size required which is 40%. Such variance request will be reviewed by the Design Review Board for consistency with the practical difficulty and hardship criteria. The 40% cap is a code requirement because the lots are proposed to split along lines that vary from the original platted lots. If the lot was divided into three parcels consistent with the platted lot lines, the maximum unit size allowed would be 50%.

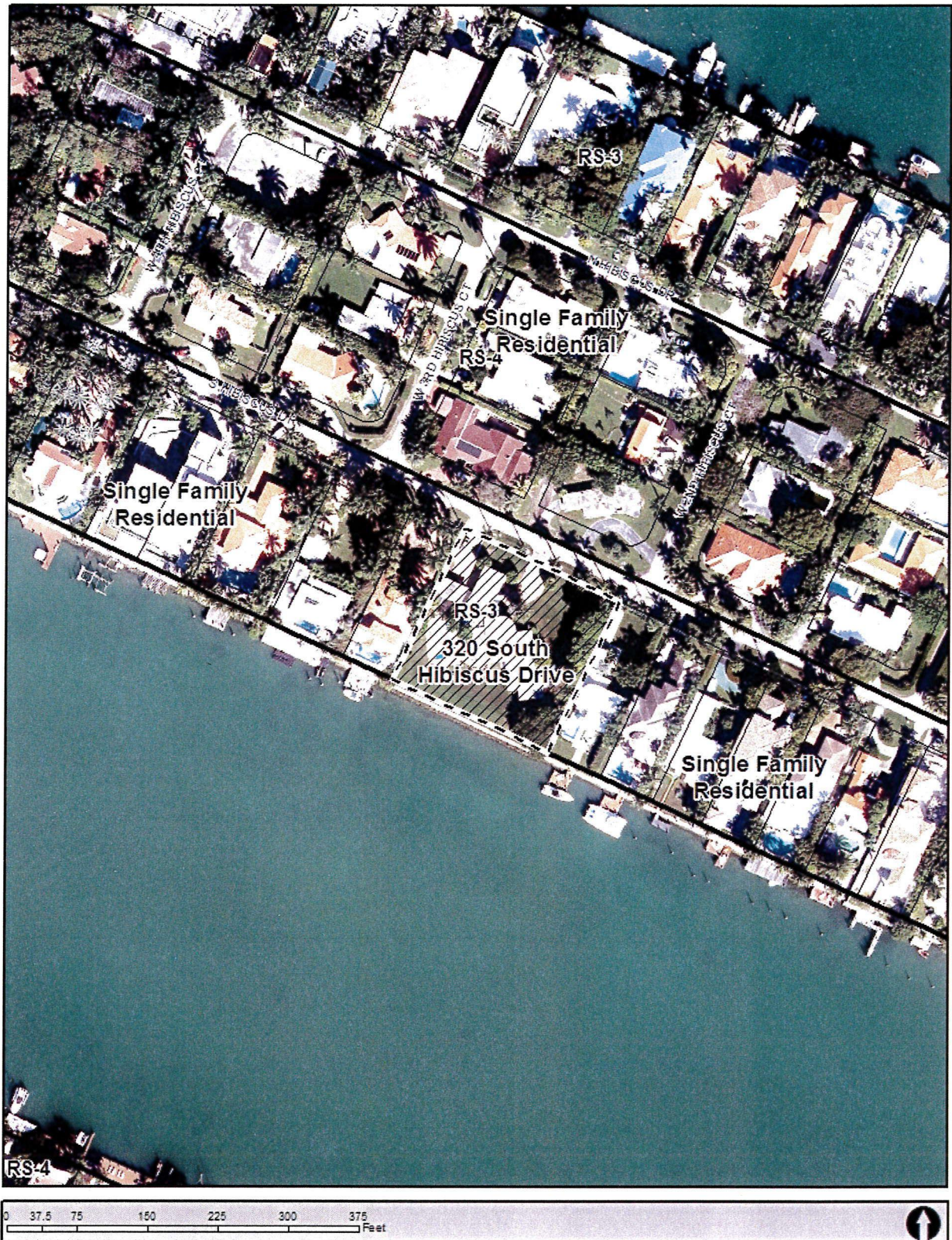
STAFF RECOMMENDATION:

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

TRM/MAB/RAM/AG

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ZONING/SITE PLAN



PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 320 South Hibiscus Drive

FILE NO. PB 18-0220

IN RE: The applicant, 320 South Hibiscus Drive, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of three platted lots, into two individual buildable parcels.

LEGAL DESCRIPTION: Lots 11, 12, and 13, Block 1, of HIBISCUS ISLAND, according to the Plat thereof, as recorded in Plat Book 8 Page 75, of the Public Records of Miami-Dade County, Florida. TOGETHER WITH a strip of land 20' wide contiguous and abutting the waterfront end of lots 11, 12 and 13 of Block 1, HIBISCUS ISLAND, which said 20' strip is part of the 20' strip conveyed to the Biscayne Bay Island Company by deed to the Trustees of the Internal Improvement Fund as recorded in Deed Book 1501, Page 479 at the Public Records of Miami-Dade County, Florida.

MEETING DATE: November 27, 2018

DIVISION OF LAND/LOT SPLIT DRAFT FINAL ORDER

The applicant, 320 South Hibiscus Drive, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into two individual buildable parcels.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the City Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B of the City Code, subject to the subject to the following conditions, to which the Applicant has agreed:
 - 1. The two (2) lots created pursuant to this lot split application at 320 South Hibiscus Drive, shall comply with the following:
 - a. The subject lots shall not be subdivided any further.

- b. Design Review Board review and approval shall be required for the proposed home(s) on each lot.
 - c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by John Ibarra & Associates, Inc., Land Surveyors, dated 08-06-2018.
 - d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
 - e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.
 - f. Unless otherwise approved through the variance process, the maximum unit size for each lot shall be limited to the lesser of 40% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105(b)(9) of the City Code, as may be revised from time to time.
 - g. The maximum lot coverage for each lot shall be limited to the lesser of 25% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b) of the City Code, as may be revised from time to time.
 - h. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Sections 142-105 and 142-106 of the City Code, as may be revised from time to time. Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted, with the exception noted in Condition B.1.f above.
 - i. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.
 - j. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this

application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.

3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under Section 118-323 of the City Code.
4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
5. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant.
7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the City Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
8. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

